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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,410	05/25/2001	Moshe M. Matsa	POU900172US1	4980
46369	7590	10/04/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI P.C. 5 COLUMBIA CIRCLE ALBANY, NY 12203			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,410

Applicant(s)

MATSA ET AL.

Examiner

LaShonda T Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1--47 is/are pending in the application.
- 4a) Of the above claim(s) 12-15, 27-30, 32 and 44-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-26, 31 and 33-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/24/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121.
 - I. Claims 1-11, 16-26, 31 and 33-43, drawn to a method of routing instant messages comprising defining, at runtime by a pluggable delivery manager, a delivery policy to be used to route an instant message to an intended recipient of the instant message etc... classified in class 709, subclass 223.
 - II. Claims 12-15, 27-30, 32, and 44-47, drawn to a method of routing instant messages comprising selecting a delivery manager to route an instant message to an intended recipient of the instant message, said delivery manager being pluggable; configuring, at runtime, said delivery manager, wherein configuration comprises selecting a configuration for said delivery etc... classified in class 709, subclass 206.
2. The inventions are distinct, each from another because of the following reasons:
Inventions I and II are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as in a method where configuring, at runtime, said delivery manager, wherein the configuring comprises selecting a configuration for said delivery etc (as set forth in invention II). See MPEP § 806.05(d).
3. During a telephone conversation with Blanche Schiller on Monday, September 20, 2004, a provisional election was made without traverse to prosecute the invention Routing Instant Messages Using Configurable, Pluggable Delivery Managers claims 1-11, 16-26, 31 and 33-43.

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Affirmation of this selection must be made by applicant in replying to this Office Action.

Claims 12-15, 27-30, 32 and 44-47 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1-11, 16-26, 31 and 33-43** are rejected under 35 U.S.C. 102(e) as being anticipated by Shavit et al (hereinafter, "Shavit", 2002/0160757).

As per claims **1, 16, 31 and 33**, Shavit discloses a method, system and program storage device of routing instant messages, said method comprising:

- defining, at runtime by a pluggable delivery manager (paragraphs 0033 and 0068);
- a delivery policy to be used to route an instant message to an intended recipient of the instant message, wherein the delivery policy is based upon a configuration of the pluggable delivery manager (paragraphs 0024-0030 and 0033-0034);
- user configuration of the intended recipient, and one or more available delivery mechanisms (paragraphs 0033-0034); and

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- routing said instant message to the intended recipient using said delivery policy paragraphs 0036-0038).

As per claims **2, 17 and 34**, Shavit discloses wherein said defining of the delivery policy comprises:

- defining a routing policy based on said user configuration and said one or more available delivery mechanisms, wherein said routing policy includes one or more possible delivery mechanisms (paragraphs 0033-0034, 0053-0054); and
- selecting from the routing policy at least one delivery mechanism to be included in the delivery policy, said selecting being based upon the configuration the pluggable delivery manager (paragraphs 0033-0034 and 0038).

As per claims **3, 18 and 35**, Shavit wherein said defining of the delivery policy comprises:

- determining, from the user configuration, one or more delivery mechanisms supported by said intended recipient (paragraph 0033);
- determining which of said one or more delivery mechanisms supported by said intended recipient are included in the one or more available delivery mechanisms to yield one or more possible delivery mechanisms (paragraphs 0033-0034 and 0068); and
- determining which of the one or more possible delivery mechanisms are supported by the pluggable delivery manager, as indicated in the configuration of the pluggable delivery manager, a result of which defines the delivery policy (paragraphs 0033-0034 and 0068).

As per claims **4, 19 and 36**, Shavit discloses:

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- wherein said routing comprises dispatching the instant message to at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (paragraphs 0035-0038).

As per claims **5**, **20** and **37**, Shavit discloses:

- wherein said routing comprises dispatching the instant message at least one delivery mechanism of the delivery policy, as indicated by the delivery policy (paragraphs 0033-0034 and 0068).

As per claims **6**, **21** and **38**, Shavit further discloses:

- selecting the pluggable delivery manager from a plurality of delivery managers (paragraphs 0033-0034 and 0068).

As per claims **7**, **22** and **39**, Shavit further discloses:

- configuring said pluggable delivery manager (paragraph 0068).

As per claim **8**, **23** and **40**, Shavit disclose wherein said configuring comprises:

- selecting a configuration for said pluggable delivery manager from a set of one or more configurations, wherein said selecting uses content of the instant message to make the selection (paragraphs 0033-0034 and 0068).

As per claims **9**, **24** and **41**, Shavit discloses:

- wherein said configuring comprises configuring said pluggable delivery manager at runtime (paragraphs 0033-0034 and 0068).

As per claims **10**, **25** and **42**, Shavit discloses:

- wherein the intended recipient is indicated by the instant message (paragraphs 0024 and 0038).

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As per claims **11, 26** and **43**, Shavit discloses:

- wherein at least one available delivery mechanism of said one or more available delivery mechanisms is pluggable (paragraphs 0024, 0033-0034).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,175,859 to Mohler

U.S. Pat. No. 6,147,977 to Thro et al

U.S. Pat. No. 6,350,066 to Bobo, II

U.S. Pat. No. 6,430,604 to Ogle et al

U.S. Pat. No. 6,012,084 to Fielding et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
September 24, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER